

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO**

IN RE: SHALE OIL ANTITRUST LITIGATION

The Document Relates to:

All Actions

Case No. 1:24-md-03119-MLG-LF

Judge Matthew L. Garcia

NOTICE OF SUPPLEMENTAL AUTHORITY

The State of Kansas, *ex rel.*, Kris W. Kobach, Attorney General, respectfully notifies this Court of *Southern Utah Wilderness Alliance v. U.S. Department of Interior (SUWA)*, Civ. Action No. 24-02476 (RC), 2025 WL 1743939 (D.D.C. June 24, 2025), a copy of which is attached as Exhibit A. *See* D.N.M.LR-Civ. 7.8(b). In *SUWA*, the state of Utah successfully intervened as a matter of right in litigation against the federal government over the government’s decision to reaffirm certain oil and gas leases in Utah. 2025 WL 1743939, at *1. The court’s reasoning supports Kansas’s motion to intervene in two noteworthy ways.¹

First, the court found Utah would be harmed if the leases were vacated because the state (1) would lose revenue and royalties from the leases and (2) would suffer a regulatory injury because it issues permits for oil and gas drilling. *Id.* at *2. This was sufficient, the court held, for Utah to have both standing and a legally protectable interest. *Id.* at *2–3. The court’s reasoning supports Kansas’s arguments that it has a legally protectable interest and—if necessary—full constitutional standing. *See* (Doc. 153 at 9–12; Doc. 215 at 2–4.) This litigation may impact

¹ The court also found Utah’s proposed intervention *just before the summary-judgment stage* was timely. *See SUWA*, 2025 WL 1743939, at *3; *see also* (Doc. 153 at 7–8).

Kansas's fiscal interests, and it currently infringes upon Kansas's interest in litigating (which has the same effect as regulating) antitrust violations on behalf of its citizens and political subdivisions.

Second, the court determined the existing defendants could not adequately represent Utah's interests. *SUWA*, 2025 WL 1743939, at *3. Although they apparently shared a "similar" interest with Utah "in defending [the] decision-making process for issuing oil and gas leases," Utah had distinct "sovereign interests." *Id.* The court's reasoning supports Kansas's argument that its unique sovereign interests are not (and cannot be) adequately represented by existing parties. *See* (Doc. 153 at 14–15.) If the federal government cannot adequately represent a state's interest, the same holds true for political subdivisions, businesses, and individuals.

Dated: July 7, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record who have entered an appearance.

/s/ Adam T. Steinhilber

Adam T. Steinhilber